

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LUCAS BRUNO III, CHRISTOPHER)	CIVIL NO. 03-00567 JMS BMK
GAHR, FRANK ROBERT PAULSON,)	
CHARLES TURNER, and TOM)	DECLARATION OF THOMAS A.
YOUNG,)	HELPER; EXHIBIT "A"
)	
Plaintiffs,)	
)	
vs.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendant.)	
_____)	

DECLARATION OF THOMAS A. HELPER

I, THOMAS A. HELPER, declare that:

1. I am an Assistant United States Attorney for the District of Hawaii, and I am the attorney representing defendant in the above-entitled action. I have personal knowledge of the facts set out herein, and I am authorized to make this declaration.

2. On January 16, 2007, pursuant to the arrangements made at the final pretrial conference, I emailed defendant's exhibit list and exhibits to plaintiff at the address he provided to me and the court, an address from which I had previously received emails. I did not receive any exhibits or exhibit list from Gahr on that date or subsequently.

3. My January 16 email also asked Gahr to reply in writing to inform me of his position on the relevance and authenticity of the exhibits. I have not received any response to this request.

4. Attached as Exhibit "A" is a true and correct copy of the Transcript of the January 12, 2007 Hearing on Plaintiff Gahr's Motion for Continuance.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 24, 2007, at Honolulu, Hawaii.

/s/ Thomas A. Helper

THOMAS A. HELPER